

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE VIZCAINO, JR.,

Plaintiff,

No. CIV S-04-0665 GEB KJM PS

vs.

STANISLAUS COUNTY SUPERIOR
COURT, et al.,

Defendants.

FINDINGS AND RECOMMENDATIONS

By order filed December 27, 2004, plaintiff's amended complaint was dismissed with leave to file a second amended complaint. Since that time, plaintiff has been granted two extensions of time in which to file a second amended complaint. The time allowed to plaintiff for filing an amended complaint has expired. Plaintiff has not filed a second amended complaint.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 11-110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the

1 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
2 F.2d 1153 (9th Cir. 1991).

3 DATED: May 10, 2005.

4
5 
6 UNITED STATES MAGISTRATE JUDGE
7
8
9

10 ¹
11 vizc0665.fta
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26